

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 186 – HB 180

March 3, 2013

**SUMMARY OF ORIGINAL BILL:** Rewrites and reorganizes title 55, chapter 10, part 4 relative to driving under the influence laws.

Merges the standards for determining whether an offender is a repeat offender. Currently, prior convictions over 10 years old may be used against an offender of implied consent laws, but not DUI. The bill would apply the same restriction to DUI and implied consent offenses.

Changes the responsible party for executing the certificate indicating the offender's blood alcohol content from the chief medical examiner to the office of the director of the Tennessee Bureau of Investigation.

Allows Tennesseans who have been convicted of DUI or implied consent violations to seek restricted license order from the sentencing court or from a judge in a court of their county of residence which has jurisdiction to try charges for driving under the influence.

Allows offenders convicted of a DUI outside of Tennessee who obtain a restricted license to travel to and from their place of worship. Currently, only those convicted of DUI in Tennessee could do so.

Removed language stating that restricted licenses are subject to renewal in the same manner as other motor vehicle licenses. Restricted licenses are not subject to renewal as they are issued for the duration of the suspension period.

Makes several corrections to update cross-references to title 55, chapter 10, part 4.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (003946):** Makes several technical corrections for citations and changes to current law.

Corrects citation error that made enhancements applicable only to first offenses for DUI.

Reinserts authority of local governments to utilize certain facilities as alternative facilities for the incarceration of an offender.

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Corrects a consolidation which would have resulted in defendants not receiving a printout of their driving record when they are entitled to it.

Corrects a change that would have allowed the use of out of state vehicular homicide and vehicular assault conviction to those that involved an intoxicant.

Adds a new subsection (f) to Section 7 of the bill to apply the same definition of what is considered a prior conviction to both DUI and implied consent offenses.

Adds new subsection (c)(1)(B) to conform with current Tenn. Code Ann. § 55-50-502(c) which allows a restricted license holder to attend probation meetings.

Corrects change that would have removed persons who were convicted of a DUI in a commercial motor vehicle from being eligible for a restricted license.

Restores current language allowing for the issuance of a restricted license to person convicted in another state of DUI and had Tennessee license suspended as a result.

Corrects omission of court's ability to order an implied consent offender to maintain an ignition interlock with the person's restricted license.

Rewrites subdivision (b)(2)(D) in Section 9 and subdivision (a)(2) in Section 16 to bring both into conformity with eligibility and restriction on persons requesting an ignition interlock device in lieu of a restricted license.

## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- The bill reorganizes the current DUI and implied consent laws. The bill makes some substantive changes, but none will have a significant fiscal impact on punishments, enhancements, fines or fees.
- According to the Department of Safety, the changes will not have a significant impact on the department.
- According to the Department of Correction, the bill will not have a significant impact on incarcerations.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm